

BNDLSS,CLOSED,INTERPRETER

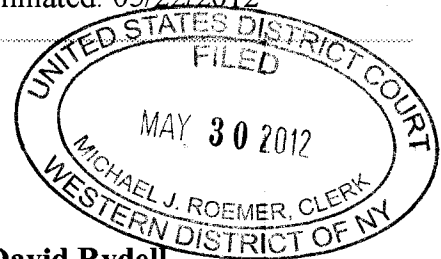
**U.S. District Court
Southern District of Florida (Ft. Lauderdale)
CRIMINAL DOCKET FOR CASE #: 0:12-mj-06206-BSS-1
Internal Use Only**

Case title: USA v. Foland et al

Date Filed: 05/17/2012

Date Terminated: 05/22/2012

Assigned to: Ch. Magistrate Judge
Barry S. Seltzer

**Defendant (1)****Gene Clark Foland**

Prisoner ID: 18076-001

DOB 1959 English

TERMINATED: 05/22/2012

represented by **Joshua David Rydell**

500 S.W. 3rd Avenue

Fort Lauderdale, FL 33315

954-779-1711

Fax: 954-831-8614

Email: jr@jrydell.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Temporary

Kevin James Kulik

500 SW 3rd Avenue

Fort Lauderdale, FL 33315

954-761-9411

Fax: 954-767-4750

Email: kevinkulik@hotmail.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Temporary

Pending Counts

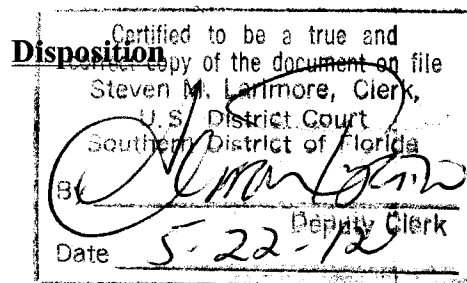
None

Highest Offense Level (Opening)

None

Terminated Counts

None








Highest Offense Level (Terminated)**Disposition**











None




Complaints18:1343.F CONSPIRACY TO
COMMIT WIRE FRAUD**Disposition****Plaintiff**

USA

represented by **Bertha R. Mitrani**
 United States Attorney's Office
 500 E Broward Boulevard
 7th Floor
 Fort Lauderdale, FL 33301-3002
 954-356-7255
 Fax: 356-7336
 Email: bertha.mitrani@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/17/2012		Set/Reset Deadlines/Hearings as to Gene Clark Foland: Report Re: Counsel Hearing set for 5/18/2012 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. (rby) (Entered: 05/17/2012)
05/17/2012	 <u>1</u>	Magistrate Removal of Indictment from Western District of New York Case number in the other District 12-cr-125 as to Gene Clark Foland (1). (pg 32 missing) (at) (Main Document 1 replaced on 5/17/2012) (at). (Entered: 05/17/2012)
05/17/2012	 <u>2</u>	Report Commencing Criminal Action as to Gene Clark Foland - YOB: **/**/1959 Prisoner #: 18076-001 (at) (Entered: 05/17/2012)
05/17/2012		Arrest of Gene Clark Foland (at) (Entered: 05/17/2012)
05/17/2012	 <u>3</u>	Order on Initial Appearance as to Gene Clark Foland for proceeding held on 5/17/2012 as to Gene Clark Foland (1) PRETRIAL DETENTION. Detention Hearing set for 5/22/2012 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. Removal Hearing set for 5/22/2012 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate. Report Re: Counsel Hearing set for 5/18/2012 11:00 AM in Fort Lauderdale Division before FTL Duty Magistrate.. (Signed by Ch. Magistrate Judge Barry S. Seltzer on 5/17/2012). (at) (Entered: 05/17/2012)
05/17/2012	 <u>4</u>	ORDER as to Gene Clark Foland unsealing indictment from WD/NY.. (Signed by Ch. Magistrate Judge Barry S. Seltzer on 5/17/2012). (at) (Entered: 05/17/2012)
05/17/2012	 <u>5</u>	Minute Entry for proceedings held before Ch. Magistrate Judge Barry S.

		Seltzer: Initial Appearance in Rule 5(c)(3)/Rule 40 Proceedings as to Gene Clark Foland held on 5/17/2012. Deft present in court, gov't moves to unseal indictment, court grants ore tenus motion, signed order. Sworn/Test for court appointment. Deft does not qualify for court appointment. (Digital 11:32:53.) (at) (Entered: 05/17/2012)
05/18/2012		Set/Reset Deadlines/Hearings as to Gene Clark Foland: Report Re: Counsel Hearing set for 5/21/2012 01:00 PM in Fort Lauderdale Division before FTL Duty Magistrate. (rby) (Entered: 05/18/2012)
05/18/2012	 <u>8</u>	Minute Entry for proceedings held before Magistrate Judge Robin S. Rosenbaum: Status Conference re counsel as to Gene Clark Foland held on 5/18/2012. Matter reset to 5/21/12 at 1:00pm. (Digital 11:13:51.) (dd) Modified on 5/18/2012 (dd). (Entered: 05/18/2012)
05/21/2012	 <u>15</u>	Minute Entry for proceedings held before Magistrate Judge Lurana S. Snow: Status Conference report re counsel/ removal/ ptd hearing as to Gene Clark Foland held on 5/21/2012. Atty. Frank Rubino will file a perm. notice of appearance. No bond hearing is held. Both sides stipulate to a \$500,000 CSB with nebbia, reserving right to PTD hearing at a later date. Status re removal/rule 20 set for 5/24/12. Spanish Interpreter present. (Digital 13:23:03.) (dd) (Entered: 05/21/2012)
05/21/2012	 <u>16</u>	Clerks Notice of Docket Correction re <u>15</u> Status Conference,. Document Filed in Wrong Case ; Document restricted and docket text modified. Document refiled in correct case # 12-6190-BSS____. (dd) (Entered: 05/21/2012)
05/21/2012	 <u>17</u>	Minute Entry for proceedings held before Magistrate Judge Lurana S. Snow: Report Re Counsel Hearing as to Gene Clark Foland held on 5/21/2012. Kevin James Kulik, Joshua David Rydell made a temporary appearance for Gene Clark Foland (Digital 13:15:03.) (rby) (Entered: 05/21/2012)
05/21/2012	 <u>18</u>	NOTICE OF TEMPORARY ATTORNEY APPEARANCE: Kevin James Kulik, Joshua David Rydell appearing for Gene Clark Foland (rby) (Entered: 05/21/2012)
05/22/2012	 <u>19</u>	ORDER OF REMOVAL ISSUED to Western District of New York as to Gene Clark Foland.. (Signed by Magistrate Judge Lurana S. Snow on 5/22/2012). (at) (Entered: 05/22/2012)
05/22/2012	 <u>20</u>	WAIVER OF REMOVAL Rule 5(c)(3)/Rule 40 Hearing by Gene Clark Foland (at) (Entered: 05/22/2012)
05/22/2012	 <u>21</u>	Minute Entry for proceedings held before Magistrate Judge Lurana S. Snow: Status Removal and PTD hrg as to Gene Clark Foland held on 5/22/2012. Deft waives removal, order of removal signed, Court questions mother as to understanding bond. \$330,000 csb agreed bond. (Digital 12:08:08.) (at) (Entered: 05/22/2012)
05/22/2012		Bond Set/Reset as to Gene Clark Foland (1) \$330,000 CSB. (at) (Entered: 05/22/2012)

05/22/2012	 <u>22</u>	Transmittal Letter as to Gene Clark Foland sent to Western District of New York with Certified Copy of Docket Sheet (at) (Entered: 05/22/2012)
05/22/2012	 	(Court only) *** CASE CLOSED as to Gene Clark Foland (at) (Entered: 05/22/2012)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**Steven Larimore, Clerk Of Court
299 E. Broward Blvd., Room 108
Ft. Lauderdale, FL 33301
(954) 769-5400**

Date: May 22, 2012

**TO: U.S. District Court
2 Niagra Square
Room 200
Buffalo, New York 14202-3350
RE: USA V Gene Clark Forland
Our Case No. 12-6206-BSS**

Your Case No. 12 CR 125-S


Dear Fellow Clerk:

Please find enclosed our original Magistrate file and a copy of the docket sheet which is being transferred to your jurisdiction pursuant to an Order of Removal (Rule 5). Any cash bond which may have been posted will be forwarded at a later date from the Financial Section of this District. If you have any questions concerning the financial aspect of the bond, please call our financial section in Miami at (305) 523-5050.

Please acknowledge receipt on the copy of this letter.

Respectfully,

**STEVEN LARIMORE
CLERK OF COURT**

by: 
Deputy Clerk

Receipt acknowledged by: _____

Print Name: _____

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**Steven Larimore, Clerk Of Court
299 E. Broward Blvd., Room 108
Ft. Lauderdale, FL 33301
(954) 769-5400**

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2 Niagra Square
Room 200
Buffalo, New York 14202-3350
RE: USA V Gene Clark Forland
Our Case No. 12-6206-BSS**

Your Case No. 12 CR 125-S

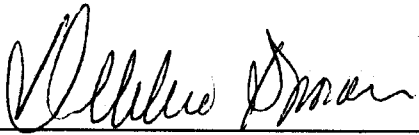
Dear Fellow Clerk:

Please find enclosed our original Magistrate file and a copy of the docket sheet which is being transferred to your jurisdiction pursuant to an Order of Removal (Rule 5). Any cash bond which may have been posted will be forwarded at a later date from the Financial Section of this District. If you have any questions concerning the financial aspect of the bond, please call our financial section in Miami at (305) 523-5050.

Please acknowledge receipt on the copy of this letter.

Respectfully,

**STEVEN LARIMORE
CLERK OF COURT**

by: 
Deputy Clerk

Receipt acknowledged by: _____

Print Name: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-6206-BSS

UNITED STATES OF AMERICA

vs

ORDER OF REMOVAL

GENE CLARK FORLAND /

It appearing that in the Western District of New York an indictment against the above-named defendant on a charge of 18:1343, 1349, 1956, 1957 that the defendant was arrested in the Southern District of Florida and was given a hearing before a United States Magistrate Judge at Fort Lauderdale, Florida, which official committed the defendant for removal to the Western District of New York, it is

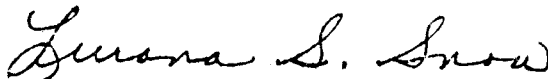
ORDERED AND ADJUDGED that the defendant be removed to the above-named district for trial on said charge.

And it further appearing that the defendant waived further hearing in the said removal proceedings and was held by the Magistrate Judge for removal and posted bail in the amount of \$330,000 Corporate Surety Bond which was approved by the United States Magistrate Judge, and it is further

ORDERED that the defendant shall appear in the aforesaid district at such times and places as may be ordered by that District Court, in accordance with the terms and conditions of aforesaid bail bond furnished by the defendant, and it is further

ORDERED that the funds, plus interest, which may have been deposited on behalf of this defendant with the Clerk of the Court under Bail Reform Act be transferred to the district where removed.

DONE AND ORDERED at Fort Lauderdale, Florida this 22 day of May ,2012.



LURANA S. SNOW
U. S. MAGISTRATE JUDGE

cc: Miami, Financial

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF FLORIDA

Case No: 12-6206-BSS

United States of America

v

WAIVER OF REMOVAL HEARING

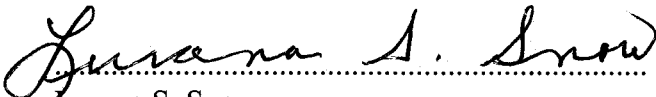
GENE CLARK FOLAND

I, Gene Clark Foland, charged in a proceeding pending in the Western District of New York, with violation of 18:1343, 1349, 1956, 1957 and having been arrested in the Southern District of Florida and taken before Lurana S. Snow, a United States Magistrate Judge for that district, who informed me of the charge and of my right to retain counsel or request the assignment of counsel if I am unable to retain counsel, and to have a hearing or execute a waiver thereof, do hereby waive a hearing before the aforementioned magistrate judge and consent to the issuance of a warrant for my removal to the Western District of New York where the aforesaid charge is pending against me.

.....MAY 22, 2012

X 

Signature of defendant



Lurana S. Snow
United States Magistrate Judge

COURT MINUTES

U.S. MAGISTRATE JUDGE LURANA S. SNOW - FORT LAUDERDALE, FLORIDA

DEFT: GENE CLARK FORLAND (J)# CASE NO: 12-6206-BSS
AUSA: Bertha Mitrani / Laurie Bucoba ATTY: Kevin Kulick/ John Rydell both present
AGENT: _____ VIOL: _____
PROCEEDING: REMOVAL/ PTD HEARING RECOMMENDED BOND: _____
BOND HEARING HELD (yes/no) COUNSEL APPOINTED: _____
BOND SET @: \$ 330,000 CSB To be cosigned by: Mother in court
agreed bond

- ☐ Do not violate any law.
- ☐ Appear in court as directed.
- ☒ Surrender and / or do not obtain passports / travel documents.
- ☒ Rpt to PTS (as directed / or _____ x's a week/month by phone; _____ x's a week/month in person.
- ☐ Random urine testing by Pretrial Services. _____ Treatment as deemed necessary.
- ☐ Maintain or seek full - time employment.
- ☐ No contact with victims / witnesses.
- ☐ No firearms.
- ☒ Curfew: _____
- ☒ Travel extended to: SD/FL & WD/NY
- ☐ Halfway House _____

A - waives removal
Order of removal signed.
Court questions Mother
as to unstanding bond.

NEXT COURT APPEARANCE: _____ DATE: _____ TIME: _____ JUDGE: _____ PLACE: _____
INQUIRY RE COUNSEL: _____
PTD/ HEARING: _____
PRELIM/ARRAIGN. _____
STATUS CONFERENCE: _____

DATE: 5-22-12 TIME: 11:00am DAR 12:08:08 Begin: _____ End: (10)

10 min

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

12-6206-BSS
CASE NO.: 12 CR 125-5

UNITED STATES OF AMERICA,
Plaintiff,

v.

Gene Foland

Defendant.

**NOTICE OF TEMPORARY
APPEARANCE AS COUNSEL**

COMES NOW Kevin J. Kulik and Joshua Rydell and

files this temporary appearance as counsel for the above named defendant(s) at initial appearance.

This appearance is made with the **understanding** that the undersigned counsel will fulfill any **obligations imposed** by the Court such as **preparing and filing documents** necessary to collateralize any personal surety bond which may be set.

Counsel's Name (Printed): Kevin J. Kulik

Counsel's Signature: Kevin J. Kulik

Address (include City/State/Zip Code):

500 S.W. 3rd Avenue
Ft. Lauderdale, FL 33315

Telephone: 954 761-9411

Florida Bar Number: 475841

Date: 5/21/12

COURT MINUTES

U.S. MAGISTRATE JUDGE LURANA S. SNOW - FT. LAUDERDALE, FLORIDA

DEFT: GENE CLARK FOLAND (J)#

CASE NO: 12-6206-BSS

AUSA: Bertha Mitrani

ATTY:

AGENT:

VIOL:

PROCEEDING: REPORT RE COUNSEL

RECOMMENDED BOND:

BOND HEARING HELD - yes / no

COUNSEL APPOINTED:

BOND SET @:

To be cosigned by:

- ☐ Do not violate any law.
- ☐ Appear in court as directed.
- ☐ Surrender and / or do not obtain passports / travel documents.
- ☐ Rpt to PTS as directed / or _____ x's a week/month by phone; _____ x's a week/month in person.
- ☐ Random urine testing by Pretrial Services. _____ Treatment as deemed necessary.
- ☐ Maintain or seek full - time employment.
- ☐ No contact with victims / witnesses.
- ☐ No firearms.
- ☐ Curfew: _____
- ☐ Travel extended to: _____
- ☐ Halfway House _____

Atty. Kevin Kulick & John Rydell
filed temp. appearance

NEXT COURT APPEARANCE:

DATE:

TIME:

JUDGE:

PLACE:

INQUIRY RE COUNSEL:

PTD HEARING:

5-22-12

11:00am

Snow

REMOVAL:

5-22-12

11:00am

Snow

STATUS CONFERENCE:

DATE: 5-21-12

TIME:

1:00pm

DAR

13:15:03

Begin:

End:

(3)

5 min

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-6206-SELTZER

UNITED STATES OF AMERICA

Plaintiff,

vs

GENE CLARK FOLAND

Defendant.

ORDER ON INITIAL APPEARANCE

Language: Spanish

AUSA: Armando Rosquete (Duty Bertha Mitrani)

The above-named defendant having been arrested on 5/17/12 and having appeared before the court for initial appearance on 05/17/12 and proceedings having been held in accordance with **F.R.C.P. 5 or 40(a)**, it is thereupon

ORDERED as follows:

1. _____
appeared as permanent/temporary counsel of record.
Address: _____
Zip Code: _____ Telephone: _____

2. _____
appointed as permanent counsel of record.
Address: _____
Zip Code: _____ Telephone: _____

3. The defendant shall attempt to retain counsel and shall appear before the court at 11:00 AM on 5/18/12
before Judge DUTY FTL (ROSENBAUM)

4. Arraignment/Preliminary/Removal/Identity hearing is set for 5/22, 2012 at 11:00 a.m. Before Duty Magistrate Judge (SNOW)

5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because _____

hearing, pursuant to 18 U.S.C. Section 3142(f), is set for MAY 22, 2012 @ 11:00 AM DUTY

6. The defendant shall be released from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. 3142: (SNOW)

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

- ☐ a. Surrender all passports and travel documents to the Pretrial Services Office and do not obtain passport.
- ☐ b. Report to Pretrial Services as follows: _____ as directed; _____ times a week /month by phone, _____ times a week/month _____ in person; other _____
- ☐ c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- ☐ d. Maintain or actively seek full time gainful employment.
- ☐ e. Maintain or begin an educational program.
- ☐ f. Avoid all contact with victims of or witnesses to the crimes charged.
- ☐ g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- ☐ h. Comply with the following curfew: _____

SCANNED

i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.

j. Comply with the following additional special conditions of this bond:

bond was set: At Arrest _____

On Warrant _____

After Hearing _____

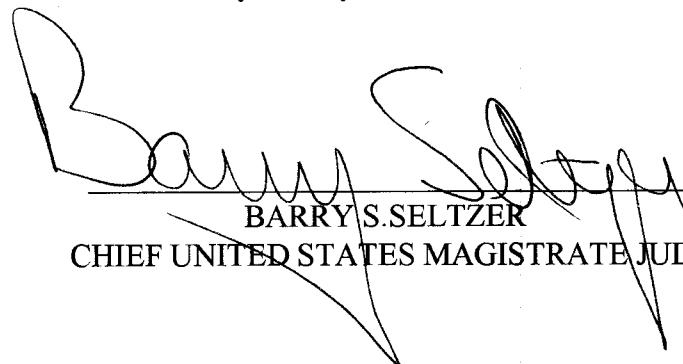
If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

_____ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.

8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Fort Lauderdale, Florida this 17th day of May, 2012.


BARRY S. SELTZER
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: Assistant U.S. Attorney
Defendant
Counsel
Copy for Judge
Pretrial Services/Probation

UNITED STATES DISTRICT COURT FOR SOUTHERN DISTRICT OF FLORIDA **COURT MINUTES**
CHIEF U.S. MAGISTRATE JUDGE BARRY S. SELTZER - FORT LAUDERDALE, FLORIDA

DEFT: GENE FOLAND(J)#18076-001

CASE NO: 12-6206-SELTZER

AUSA: (DUTY B. MITRANI)

ATTY:

AGENT:

VIOL:

18:USC 1349, 1343 AND 1956

PROCEEDING: INITIAL APPEARANCE ON REMOVAL
FROM WD/NEW YORK

RECOMMENDED BOND:

BOND/PTD HEARING HELD - yes / no

COUNSEL APPOINTED:

BOND SET @:

To be cosigned by:

☐ All standard conditions

☐ Do not encumber property.

☐ Surrender and / or do not obtain passports / travel documents.

☐ Rpt to PTS as directed / or x's a week/month by phone; x's a week/month in person.

☐ Random urine testing by Pretrial Services. Treatment as deemed necessary.

☐ Maintain or seek full - time employment.

☐ No contact with victims / witnesses.

☐ No firearms.

☐ Curfew/Electronic Monitoring:

☐ Travel extended to:

☐ Other:

A - Present in Court

ADVISED OF CHARGES

GOV'T MOVES TO UNSEAL

*COURT GRANTS PRE TRIAL
MOTION, SIGNED ORDER*

SWORN TEST FOR COURT APPT.

*A - DOES NOT QUALIFY FOR COURT
APPOINTMENT.*

NEXT COURT APPEARANCE:

DATE:

TIME:

JUDGE:

PLACE:

REPORT RE COUNSEL:

5-18-12

11:00 AM

(DUTY RSR)

PTD/BOND HEARING:

5-22-12

11:00 AM

(DUTY FTL) (LSS)

PRELIM/ARRAIGN OR REMOVAL:

5-22-12

11:00 AM

(DUTY FTL LSS)

STATUS CONFERENCE:

DATE: 5/17/2012

TIME: 11:00 AM

FTL/TAPE/#
BSS-

Begin DAR:

11:32:53

{ 15 Mins }

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

Plaintiff

vs

Case No: 12-6206-SELTZER

GENE CLARK FOLAND

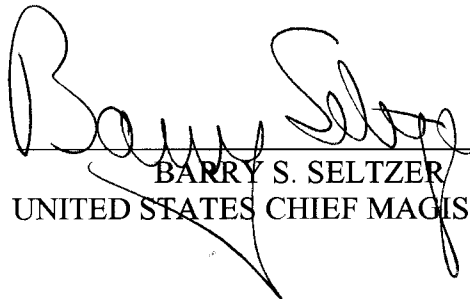
Defendant

ORDER

THIS CAUSE is before the Court for the initial appearance of the above-named defendant(s) on a SEALED INDICTMENT filed in the Western District of New York.

UPON ORAL motion of the government in open court that the Indictment be unsealed as to all the defendants, it is hereby ORDERED AND ADJUDGED that the Sealed Complaint be unsealed as to all parties in this case.

DONE AND ORDERED at Fort Lauderdale, Florida this 17th day of May, 2012.



BARRY S. SELTZER
UNITED STATES CHIEF MAGISTRATE JUDGE

cc: All Counsel

SCANNED

12-6206-BSS

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

THE UNITED STATES OF AMERICA

-vs-

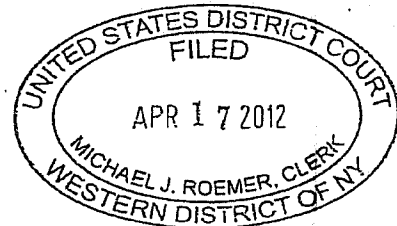
ARNOLD WROBEL a/k/a Jim Palmer
(Counts 1 - 40),
MARTIN RHYS JONES a/k/a Martin Reece
a/k/a John Allen
(Counts 1 - 40),
MONICA ROMASZKO a/k/a Monica Wrobel
(Counts 1 - 40),
GENE CLARK FOLAND ✓
(Counts 1 - 31),
JEFFREY G. KLEIN
(Counts 1 - 34),
WALTER TATUM
(Count 1),
JOEL MARCUS
(Count 1),
SAAD SHUAIB
(Count 1),
DAVID COLE
(Count 1),
RAYMOND MALIZIO
(Count 1),
KYLE CLAYTON a/k/a Kyle Swift a/k/a
Richard Walker a/k/a Kyle McCauley
(Count 1), and
JAMIE LEE CHURCH a/k/a Charlotte Keys
(Count 1)

APRIL 2010 GRAND JURY
(Impaneled 04/30/2010)

12 CR 125 - 3
INDICTMENT

Violations:

Title 18, United States Code,
Sections 1343, 1349, 1956(a)(2)(A)
1956(h), 1957(a) and 2
(40 Counts and 3 Forfeiture
Allegations)



ATTEST: A TRUE COPY
U.S. DISTRICT COURT, WDNY
MICHAEL J. ROEMER, CLERK

By
Clerk

Original Filed